

REMARKS/ARGUMENTS

With the above amendments, claims 38-74 are still pending in the application.

Minor amendments were made to the claims for purposes of clarity:

- Claim 38 was amended to refer to “locating” as opposed to “mapping”, as claim 39 clearly relates to mapping.
- Claim 68 was amended to show that the database is remote from the port, and that a communications link couples the database to the port, the link of the type supporting remote communications.
- Claim 70 was amended to refer to a user accessing the database remotely.

No new matter was introduced with these amendments.

Substantive Rejections

Claims 38-45, 47-50, 53-55, 59-63 and 68-72 stand rejected as being anticipated under 35 U.S.C. §102 by EP 0508787A2 (“Nobe”). Respectfully we disagree.

Nobe describes a traveling apparatus as improvement to an on-board navigation device that displays a map of predetermined size (col. 1, lines 4-19) around the position of a car (col. 1, line 13). Nobe’s improvement specifically describes how a pre-registered service facility may be designated (from a list) and thereafter displayed on that map (col. 2, lines 20-27) and how a one can select any one of the facilities to obtain a position coordinate (emphasis added; see col. 2, lines 10-15; col. 2, lines 25-26). In short, Nobe teaches overlaying a single service facility onto a map of predetermined size surrounding a car; in addition, that service facility is displayed by a predetermined pattern on the map. A user of Nobe’s teachings should designate one of the service facilities for display on

the map. Col. 2, lines. 10-12. In summary, Nobe only teaches and describes the following steps:

- 1) While a car is traveling, predetermined maps are shown on a display from a CD ROM. See Col. 4, lines 12-36.
- 2) To locate a service facility, a person first presses a key to show a “service list” (note, specifically, that a category such as “French Cuisine” is sent to the user, and not selected by the user). See Col. 5, lines 5-20.
- 3) The user selects one service facility, and the Nobe system then matches the selection to a lat/long in the display to show the facility in a preselected overlay pattern (provided it is within the boundaries of the displayed lat/long). See Col 5 Line 51: “A command is given to the CD-ROM in order to read out the longitude and latitude data and the position display pattern.”

These features are *quite unlike* amended claim 38, which provides:

A method for locating items of interest relative to a geo-defined location, comprising the steps of: specifying the geo-defined location at a port; specifying a category associated with the items of interest at the port; communicating the location and the category to a database connected, datawise, to the port; and receiving, at the port, information defining geographic coordinates of the items of interest.

Note, in particular, that claim 38 requires (a) the specification of a location and a category at the port, (b) communicating the location and category to a database, and (c) receiving information defining geographic coordinates of the items of interest in that category.

By way of comparison, Nobe does not permit selection of a category associated with the items of interest; rather, every item is a “service facility” and Nobe merely the

selection of one facility (see col. 2, lines 30-36). Therefore, Nobe does not perform the step of communicating the category to a database. Nobe also does not describe a database – but only memory means. Nobe further does not describe communicating the “location” to a database; rather, the map is predetermined and surrounding the vehicle (see col. 4, lines 56-68). Accordingly, Nobe does not permit specifying a location that is not the same as the vehicle location. The invention, on the other hand, permits specifying a far away location to find locations of items of interest in any category. See for examples Figures 3-5 of Applicants’ invention.

It is important to note further that Nobe teaches the display of a map of “predetermined size including the present location, which has been previously determined.” Therefore, Nobe teaches away from the invention of “specifying the geo-defined location”, as required in claim 38.

Note further that the teachings of Nobe provide for a display pattern of only one size, since it has to fit on a map of predetermined size. Consequently, the Nobe disclosure provides no mechanism for changing the size of the map on the screen in order to locate an item: the item is either coincidentally within the x,y coordinates of the map displayed, or it does not appear.

Nobe thus teaches away from the invention. In accord with the invention, a user may locate a restaurant within a specified geographic vicinity by specifying changes at the port.

Accordingly, we kindly ask the Examiner to reconsider Nobe and specifically the recitals on page 3 of the pending office action. That is, we do not agree, among other things, that Nobe teaches features of claim 38 including specifying a location at the port

and specifying a category. Nobe does not anticipate claim 38 and reconsideration and allowance are requested.

Claim 39 depends from claim 38 and has corresponding distinguishing features from Nobe. Reconsideration of claim 39 is also requested.

Claim 40 illustrates another important distinguishing feature from Nobe. Claim 40 provides:

A method according to claim 39, wherein the step of communicating the location and the category to the database further comprises the step of communicating a geographic vicinity to the database, the vicinity specifying a geographic extent for which items of interest are mapped relative to the location, and wherein the step of formatting the information into a map comprises the step of displaying the vicinity and the items of interest within the vicinity.

Thus, Nobe does not provide for “communicating a geographic vicinity”. This is clearly proven by reference to column 1, lines 8-13, and column 4, lines 12-26, which describe how all maps are of “predetermine size”. How can a map of predetermined size permit a user to specify a geographic extent, as claimed in claim 40? It cannot. The Examiner refers to col. 1, lines 40-41 and 58; however Nobe here only teaches the display of a “pattern” indicative of the restaurant or the like (emphasis added). That is, Nobe teaches how a user can select the pattern for displaying a restaurant – but it does not teach how to specify a geographic vicinity as in Applicants’ claim 40. Furthermore, as Nobe teaches only a predetermined display and map size (and overlay pattern), only a

restaurant which happens to fall within the x,y coordinates of the display map will be shown. In Reconsideration and allowance of claim 40 are requested.

With regard to claim 41, once again Nobe is insufficient to describe the invention. Since Nobe teaches the display of maps of predetermined size, it specifically teaches away from claim 41, which provides: A method according to claim 40, further comprising the steps of specifying, at the port, a shape of the geographic extent and of displaying the map in the specified shape. The invention thus provides for a level of selectivity in displaying maps that is not at all taught or disclosed in Nobe. Reconsideration and allowance of claim 41 are requested.

Claim 42 claims generating a request signal indicative of a category and location. Nobe has no similar teaching. As noted above, Nobe teaches that the map is “predetermined” and includes the vehicle location. Nobe also does not teach the selection of a “category”. Therefore, Nobe does not teach generating a signal indicative of a category and location. These features are not disclosed, at all, in Nobe. Reconsideration and allowance of claim 42 is requested.

Claims 43 and 44 provide for additional features of the invention, in addition to those argued above with respect to claim 38. As claims 43-44 depend from claim 38, reconsideration is also requested for claims 43, 44. With regard to claim 43, in particular, Nobe does not teach these communications links because such links are for remote data transmissions. Nobe teaches an apparatus in a car, and all communications are between memory means and a display; such an apparatus does not utilize remote data transmission lines. Reconsideration of claim 43 is warranted and requested.

Claim 45 is similar to claim 40, argued above. Under the same arguments, claim 45 is allowable. Reconsideration and allowance of claim 45 are requested.

Claim 47 provides for additional features of the invention, in addition to those argued above with respect to claim 38. As claim 47 depends from claim 38, reconsideration is also requested for claim 47.

Claim 48 depends from 38 and recites the step of generating the information at the database and including street and landmark information. Nobe teaches no such similar methods. The Examiner points to col. 5, lines 15-20 – however at these locations Nobe only discloses types of restaurants (e.g., Chinese). Nowhere does Nobe teach the use of Landmark information. Reconsideration and allowance of claim 48 are requested.

Claims 49 and 50 provide for additional features of the invention, in addition to those argued above with respect to claim 38. As claims 49-50 depend from claim 38, reconsideration is also requested for claims 49, 50.

With regard to claim 53, Applicants strongly disagree that Nobe teaches hierarchical database information based upon col. 5, lines 16-17. Nobe has no such teaching. The cited passage refers to displaying restaurants on a unit basis of a town or city (emphasis added). Nothing indicates that Nobe has a database, first and foremost, or that Nobe teaches hierarchical ordering of data. Applicants teach a very clear hierarchical method, as for example shown and described in connection with Figure 4. In Nobe, a hierarchical display pattern is not consistent with sequential maps of predetermined size.

As noted above, in Nobe, only if a restaurant selected falls within the x,y coordinates of the map displayed is that specific location displayed. This is shown quite clearly with reference to Nobe Figure 4, S 24. Accordingly, Nobe provides no option for

changing a map size to display a restaurant; it is only coincidental that a selected restaurant shows up. Reconsideration and allowance are requested.

With regard to claim 54, the above arguments have already shown that Nobe does not teach selecting a “category” at the port, as required in claim 38. Accordingly, Nobe certainly does not also teach selecting multiple categories. There is absolutely no recitation in Nobe for anything like claim 54. Reconsideration and allowance of claim 54 are requested.

Claim 55 provides for additional features of the invention, in addition to those argued above with respect to claim 38. As claim 55 depends from claim 38, reconsideration is also requested for claim 55. We further disagree with the Examiner that “position coordinate data” of Nobe has any relation to claim 55. Applicants believe that the “position coordinate data” argued by the Examiner refer to locations of service facilities, and specifically not to items of interest relative to a geo-defined location. Reconsideration and allowance of claim 55 are requested.

With regard to claim 59, Nobe does not teach the selection of a category, as required in claim 38. Claim 59 recites using a menu of categories. Nobe is similarly silent as to such features. The Examiner refers to “menu” of col. 5, line 20, in Nobe; however this reference refers to a restaurant menu – not a menu of categories! Reconsideration and allowance of claim 59 are requested.

Claim 60 recites a “menu of locations.” The Examiner once again has rejected this claim on Nobe’s teaching of a restaurant menu. We argue that this is quite inappropriate for a 102 rejection and ask for reconsideration and allowance.

Claim 61 illustrates yet another important distinguishing feature from Nobe. Specifically, claim 61 recites providing for two modes so that a user can select the location at a point remote from the user's current location. Nobe only teaches using a current vehicle location, such as determined by GPS. There is absolutely no teaching in Nobe of providing for a remote location relative to a present location. Reconsideration and allowance of claim 61 are requested.

Claims 62 and 63 provide for additional features of the invention, in addition to those argued above with respect to claim 38. As claims 62-63 depend from claim 38, reconsideration is also requested for claims 62, 63.

Amended claim 68 is an independent claim and has certain features argued above, including specifying a category and using a communications link. Both of these features are absent from Nobe, as argued above. Furthermore, Nobe does not disclose a "database" and specifically does not disclose a remote database, as claimed in claim 68. In accord with the invention, remote is clearly defined in the specification as being separated from the port – a feature not taught by Nobe. In fact, the invention provides for separating the port and the database by nearly any distance, using the Internet. Reconsideration and allowance of claim 68 is requested and warranted.

Claim 69, depending from claim 68, has similar arguments for patentability over Nobe; and we hereby request for reconsideration and allowance of claim 69.

Amended claim 70 is an independent claim and has certain features argued above, including specifying a category and using a communications link. Both of these features are absent from Nobe, as argued above. Furthermore, Nobe does not disclose a "positional coordinates defining a vicinity" – rather Nobe teaches predetermined maps.

Nobe also does not disclose providing a database for remote access by a user, as claimed in claim 70. Finally, Nobe does not disclose using “names” to identify items of interest. Reconsideration and allowance of claim 70 are requested and warranted.

Claims 71, 72 and 74 provide for additional features of the invention, in addition to those argued above with respect to claim 70. As claims 71-72, 74 depend from claim 70, reconsideration is also requested for claims 71, 72, 74. Although claim 74 was not specifically rejected in the office action, Applicants believe the rejection was intended; please confirm this belief. In addition, we ask for reconsideration and allowance of claims 71-72, 74.

Claims 46, 51-52, 56-58, 64-67 and 73 stand rejected as being obvious under 35 U.S.C. §103 in view of Nobe. Respectfully we disagree. Each of these rejections utilize arguments that “it would have been obvious by one skilled in the art” to make the features of the claims. Respectfully, we request the citation of some prior art to substantiate these assertions – since Applicants believe such prior art does not exist. Furthermore, these claims depend from independent claims argued fully above, which show that Nobe does not have teachings that render the independent claims unpatentable. In view of the above arguments, Applicants ask that the Examiner once again review claims 46, 51-52, 56-58, 64-67 and 73, and provide allowance.

Other than the fee associated with a one month extension of time, no fees are deemed necessary with this response. If fees are due in connection with this response, the Examiner is authorized to charge deposit account 12-0600.

If further rejections or objections to the claims are noted, Applicants request the opportunity to interview this case. Please contact the undersigned in such event.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

LATHROP & GAGE, L.C.

Date: 6/20/01

By Curtis A. Vock
Curtis A. Vock, Reg. No. 38,356
4845 Pearl East Circle, Suite 302
Boulder, CO 80301
Tel: 303-449-5800
Fax: 303-443-6998

CERTIFICATE UNDER 37 C.F.R. § 1.8

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 with sufficient postage:

37 C.F.R. § 1.8
___ as first class mail.

37 C.F.R. § 1.10
___ as Express Mail
Label No. _____

Nancy Halas

Date

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Amendments to the Claims

38. (Amended) A method for [mapping] locating items of interest relative to a geo-defined location, comprising the steps of:

specifying the geo-defined location at a port; specifying a category associated with the items of interest at the port; communicating the location and the category to a database connected, datawise, to the port; and receiving, at the port, information defining geographic coordinates of the items of interest.

68. (Amended) A method of collating geo-defined data for specifying items of interest relative to a user's location, comprising the steps of:

determining the location of the user, the location defining the user geographically within a geographic vicinity;

providing a port with a user interface;

specifying, through the port, the location and at least one category to a remote database connected via a communication link to the port, the communications link being selected from the group of a telephone link, a satellite link, a radio-frequency link, an infra-red link, an Internet link, a facsimile link, a fiber-optic link, a coaxial cable link, a cellular

network, a microwave link, an interactive TV communication link, an airphone link, a modem link, a television link, and mixtures thereof; and

providing information through the link and the port to the user, the information geographically defining the items of interest relative to the location of the user.

70. (Amended) Database methodology for providing geo-defined information to a user remotely connected to a database, comprising the steps of:

receiving, at the database, information including a category of items of interest and positional coordinates of a location defining a vicinity;

determining items of interest that are within the category and that are located within the vicinity;

transmitting identifying information about the items of information to the user, the identifying information specifying the items of interest with a name and a geographic location relative to the positional coordinates.